

In Memoriam.

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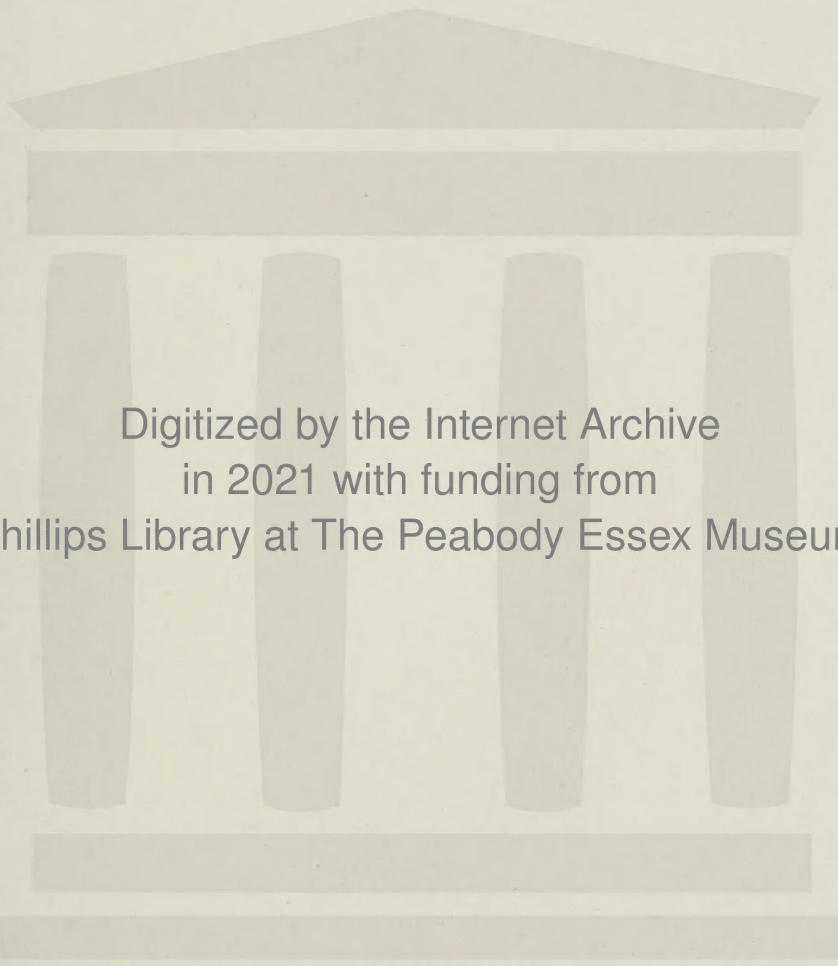
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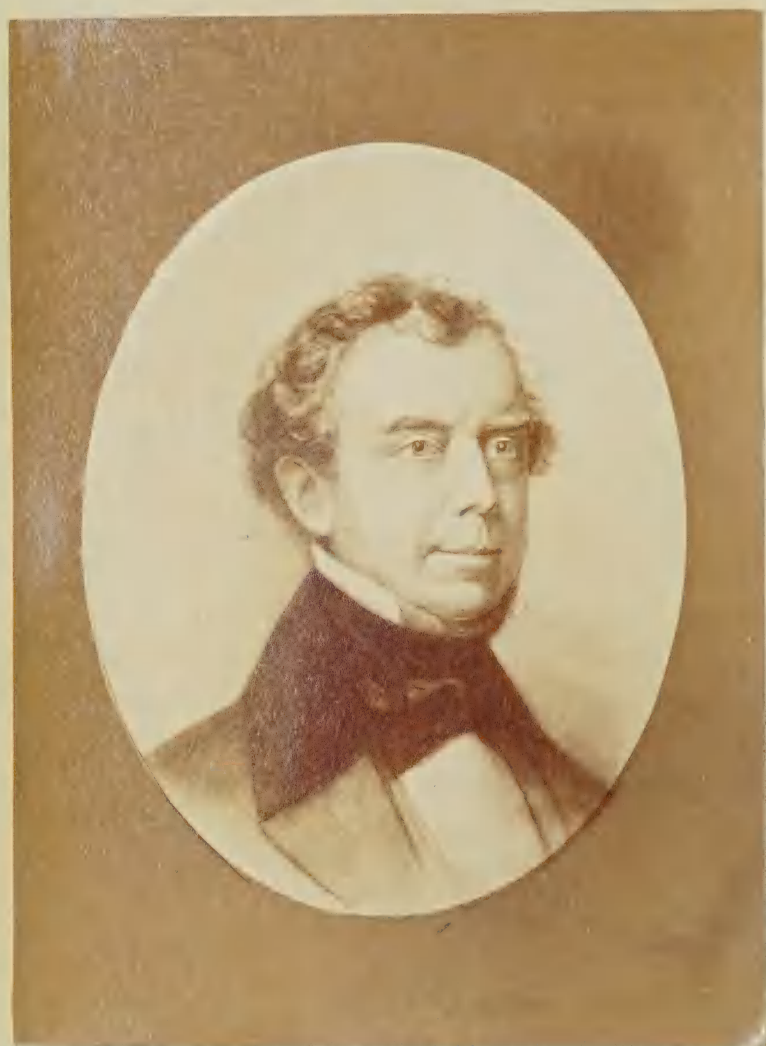
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MEMORIAL
OF
NATHANIEL JAMES LORD.



A

MEMORIAL

OF

NATHANIEL JAMES LORD,

FROM

His Brothers and Sister.



SALEM:

ESSEX INSTITUTE PRESS.

1870.

PROCEEDINGS

OF THE

ESSEX BAR ASSOCIATION AND THE SUPERIOR COURT,

ON THE DEATH OF

NATHANIEL JAMES LORD,

JUNE, 1869.

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PROCEEDINGS
OF THE
ESSEX BAR ASSOCIATION,

JUNE 21, 1869.



A special meeting of the Essex Bar Association, was held in the Superior Court Room, at Salem, on Monday, June 21, 1869, on the occasion of the death of their late associate, Nathaniel J. Lord, Esquire. The attendance was large. The President of the Association, William C. Endicott, Esquire, called the meeting to order at ten o'clock, and Joseph G. Gerrish, Esquire, of Newburyport was, in the absence of the Secretary, appointed Secretary *pro tempore*.

The President then spoke as follows:—

GENTLEMEN OF THE BAR:—The occasion of this meeting is well known to you. Mr. Nathaniel J. Lord, a member of this Bar, and for many years its most prominent and distinguished leader, died at his residence in this city on Friday afternoon. Though long an invalid, and having but a feeble hold on life, his death was at last sudden and unexpected. It seemed to the officers of the Association, that the Bar, of which he had been so conspicuous a member, should meet at once and pay a proper tribute of respect to his memory.

Mr. Lord retired from active practice nearly sixteen years ago, and to a large proportion of the Bar, probably to a majority of those before me, he was known only by reputation, as an able, honest, and accomplished lawyer. He was born in Ipswich, in 1805, was graduated at Harvard College, in 1825, and commenced at once the study of the law. He was in the Law School at Northampton, and the office of the Hon. Leverett Saltonstall, at Salem, and was admitted in course to practice in the courts of this county. He was associated with Mr. Saltonstall in business for a few years, but soon opened an office for himself and alone, and for twenty years or more, until the autumn of 1853, he was actively engaged here in the practice of the law. He at once assumed a prominent position, as counsellor and advocate, and during the last ten years of his practice was the acknowledged leader of the Essex Bar. I cannot state, as well as some who are present, the history of his progress, or the particular and striking events of his career. My professional acquaintance with him commenced during the later years of his practice, as a student in his office; and a friendship was then formed which continued unbroken to his death, and which is filled with delightful and instructive memories. As a lawyer he at once made a deep impression upon my mind, which was strengthened and confirmed by time. Indeed his qualities were so marked, his individuality was so strong, that no one, even meeting him casually, could fail to be struck with his abilities, his acquirements, and the force of his manly and honorable character. He was a thorough lawyer, devoted to the study and the practice of the law, imbued with its best spirit of truth and justice, armed with its best weapons of attack and defence, and having no ambitions that lured or won him from his chosen pursuit. Probably the

profession has never given to this county a lawyer of prominence and distinction, who throughout his career confined himself so entirely to the courts of the county, and who in all his labors, his habits, his aims, and his reputation, was so thoroughly of, and identified with, the county and its people. Others, who have at times been leaders at this Bar, have added to their reputation by success in politics or literature, or have sought larger fields of practice, or have won a wider fame upon the Bench. Parsons, and Putnam, and Story; and in a later day, Prescott, Pickering, Saltonstall, and Choate, not to mention others of the living and the dead, were known not for their labors at this Bar alone. Their names recall brilliant services rendered in the state and national courts, in the paths of literature, in the arena of statesmanship. We can point to the many sided jurist, to the profound scholar, to the consummate orator—to Story, Pickering, and Choate—who won their earliest laurels as leaders at the Essex Bar. But Mr. Lord strayed not from home and the pathways of the law. Here was his field and his career; his reputation and success were won exclusively by his labors as an advocate at this Bar; and I think it no exaggeration to say that, of the distinguished men to whom I have referred, not one had a larger practice in this county, or was more trusted by clients, juries and judges alike. He belongs exclusively to Essex.

To have accomplished this, you well know, required no ordinary powers and no common industry. He was well educated and thoroughly instructed in his business. And hence there was a completeness and finish in all his ways and in all that he did. His mind naturally and almost instinctively ran to the root of things, and he was deeply grounded in the principles of the law.

There are lawyers more learned in the books, in the cases, in the history and literature of the law than he, but few men ever came into court better prepared, and few could wield their knowledge with a steadier hand or more uniform skill. He had great tact and readiness, and a vast store of that shrewd common sense and mother-wit, which belong to the New England mind. He was not an eloquent man, yet he was a most forcible, adroit, persuasive and graceful speaker. He was not, in a broad sense, a scholar, but he was most scholarly in speech and style. What he knew he knew accurately and well, and he had a large and generous culture, fed and sustained by a liberal knowledge of the classics, and a wide reading of English literature. The Latin quotation was often on his lips, not the trite commonplace of the law books, but the line from Horace, Virgil, or Cicero, always singularly appropriate. As an illustration of this, within the last year it was my fortune to lose a verdict in an important case, and while calling upon Mr. Lord soon after, he asked me how it happened. I told him I attributed it to the very able and impassioned speech of the plaintiff's counsel, who carried the jury by storm, his voice trembling and the tears often filling his eyes as he spoke. Mr. Lord's face brightened, and turning quickly with a smile, he said, "That was right, he probably thought the jury would say with Horace,"

—— Si vis me flere, dolendum est
Primum, ipsi tibi. ——

His familiarity with Shakspeare was remarkable. Not the words only were his, and at hand, but their substance, their meaning, their philosophy he had mastered and made his own. In probing the hidden springs of action, in reconciling conduct, in de-

pecting the sway and influence of the passions, he often turned for his illustrations and explanations to the great master of the secrets of the human heart. He made great use of this often in his speeches and arguments, not with a show of learning, but with a modest fitness and clearness, which made him intelligible to the most common mind; and I have heard him quote from Shakspeare with a point and power of application, as marked as that which has made memorable a scene between Webster and Calhoun. Having a large practice and coming constantly in collision with his brother lawyers, his good temper was proverbial, and he had a politeness and urbanity of manner which disarmed hostility. In his office and the conduct of business he was singularly methodical and exact. To young men he was especially kind and considerate, and in the trial of causes with them most friendly and indulgent. I can recall many times when he made the rough places smooth. I can recall his ready sympathy, his willingness to aid, his lucid and concise explanation, and the patient attention and deference with which he listened to all you had to say. But more distinctly than all do I remember the high, manly, honorable tone, which pervaded all his practice, which walked with the man, and which he inculcated often by precept, and ever by example.

There always have been, and I suppose there always will be, able lawyers at the Essex Bar. There have been, and probably will be, some more eloquent, some more learned, some much greater than he, but in the peculiar roundness, completeness, finish, and equal balance of various qualities and powers, Mr. Lord was unique; as such he stands out among those who have gone before us, and we may not see, in these respects, his like again. Indeed the methods have so changed, the habits of the

profession, the requirements and course of business are now such, that perhaps we could not produce the same result that he presented.

But we may well ask what is there to show for all this toil, this ability, this success. Like most lawyers whose time is passed in courts, and in the exacting labors of advocacy, he has left nothing to be remembered, nothing which explains his success and reputation. As Talfourd said in this respect of Sir William Follett, "in his death the power of mortality is supreme." He gave laborious days, and wakeful nights, he wasted strength and health in the preparation and trial of causes, he won verdicts, and convinced courts, but he has left no speech worthy to be remembered. His name will fill no conspicuous place even in local history. His acquirements and his talents will be the theme of no commemoration in academies and learned societies; his biography will probably not be written, for his life was associated with no great events, with no startling crisis, with no public service, with no political triumphs. His reputation as a lawyer may live awhile in the memory of a few clients whom he served, of his brethren who knew him, of the judges who always listened to him with attention. In the traditions of this Bar it may live for a time after even those who knew him have gone, but soon all will pass away and the life so full of toil, requiring the best qualities of which man is made, will be forgotten.

Surely here in the scene of his labors, here among the men who follow his work, something should be done to keep alive the memory, and preserve the record of such a man. We would not build to him a monument, or erect a statue, or carve his name upon our court houses — such honors are for the great masters, if such there are or ever shall be, and these we do not

claim for him—but there is due to him and to his memory something more than the formal and usual resolution, telling of his death and our regret. There should be some sketch of his life, stating what he did, what manner of man he was, a memorial to be read of all men, and to be entered upon the records of these courts, in which he worked so faithfully and with such success. No one will do it unless we do it, and I can think of no better way to tell his story, and certainly no place so appropriate to record it.

I have spoken of Mr. Lord as a lawyer, of his active practice and of the work he accomplished. There is another side of his life. I might almost say he lived another and separate life so new were its experiences, and at times so terrible its sufferings and trials. In the autumn of 1853 he was stricken with disease, and with it he waged unequal war to the end. He was compelled to abandon practice. He sought for restoration of health in Europe, and in places nearer home, but at last concluded that he was better amid the comforts of his own house. To that he was confined for the last four years. Slowly his bodily powers yielded; day by day his strength failed; one by one his privileges were curtailed, his pleasures limited; but he bore it with a manful, hopeful, heroic spirit. To the last he never despaired. He greeted you ever with a cheerful smile, and enjoyed the visits of friends with a keen delight. Though his strength waned his mind was clear and his faculties unclouded. His conversation was full of thought and instruction, and a quiet humor, a fund of anecdote, a readiness at repartee made his sick room a pleasant spot, and his society peculiarly attractive. He kept informed upon all that was passing in the world at home and abroad, and his comments and criticisms on men, manners, and

events evinced an active and thoughtful mind. To the last he took a great interest in the profession. No trial of importance occurred in the courts of the county that he did not wish to know all about it; who tried it, what questions were raised, what law was held, and the least incident of the court room he delighted to hear. At such times his own memory would recall scenes in our court houses, and passages at arms well worthy to be preserved.

To those who enjoyed the privilege of thus seeing him during the last few years his death creates a void; for one pleasant place is closed, and one pleasant hour in the day or week is gone. But it is far better for him as it is; he had reached that point when life was almost constant suffering and distress, and we should be thankful that the weary body, borne down by excessive labor, and the many pains of long disease, is finally at rest.

The President then announced that the funeral of Mr. Lord would take place this afternoon at his residence on Brown street, in this city, at half-past two o'clock; and that it would be agreeable to the family to have any members of the Bar attend who desire so to do.

The Hon. ASAHEL HUNTINGTON then spoke as follows:—

MR. PRESIDENT:—In view of this recent death in our ranks of one so eminent and distinguished, and of such marked character and ability as Mr. Lord, so much esteemed and beloved by those who knew him well and best, and held in such honor at this Bar for many years, it becomes us certainly, and we all feel inclined

to pause a moment while we seek to place on our own records, as well as those of the court here, some memorial, however inadequate it may be, of our departed brother. In the dispensations of a wise Providence, Mr. Lord had been long withdrawn from practice in the courts, by severe and lingering disease, yet he had lived long enough, and worked hard enough in the profession he had chosen, and which he loved; had occupied quite long enough its highest places at the Bar, with the general assent of his brethren, as well as of the public at large, to make up and complete a record of his own, most honorable to himself, which we desire to preserve and perpetuate, here in the scenes of his labor and triumphs.

Mr. Lord came to the Bar well trained and imbued in the principles of the common law. He had been under the tuition and teaching of the late Judge Howe, one of the lights of jurisprudence in western Massachusetts, in his day; of the late Prof. Ashmun, and afterwards of Leverett Saltonstall of this Bar, whose record is still with us, bright and undimmed. Under such teachers, and with such examples, Mr. Lord, with fidelity and great thoroughness, addressed himself to the work of preparation for the practice of the law. He came to the Bar well instructed, and unusually mature. His standard was high, and he was willing to submit to all the tests and demands of this most exacting of all the professions. How he bore himself in it—with what honor, integrity, ability, and success he served his clients; how differential and respectful to the courts; how courteous to his brethren of the Bar; how a model, in all things, of what the lawyer should be, in his bearing and manners; how always a master of his causes, of the facts and the law; how true ever to the courts, his clients and the law; how trusted and trustworthy in

court and out of court; how well he did all this, his appointed work, and with what firm resolve of duty and devotion to his profession, while his hand, his heart, and his mind had it to do—we of his time are this day witnesses, and testify thereof to our younger brethren of the Bar.

The Hon. J. C. PERKINS then spoke as follows:—

MR. PRESIDENT:—I had not intended to add a single word, but rather to sit here in silent meditation upon matters appropriate to an occasion so solemn, and at the same time so full of interesting and pleasant memories. Upon further consideration, however, it occurs to me that I ought not thus to lose this most fitting opportunity for adding, what I most ardently desire to record, my testimony to the merit and worth of our brother, who has just now left us. I first met our departed friend as he was about to enter upon the active duties of the profession he subsequently so much adorned. He went to Amherst with his brother (Judge Lord) as the Judge and myself were just commencing our College course, in the year 1828. His personal appearance at that time, which was of course all I could then know or observe of him, was striking in many respects. He was then, as ever afterwards, neat, precise and exact in his attire. He was firm and decided in his step and motion. He was courteous in his manner, and his whole bearing evinced a high sense of self-respect, and respect for others, all of which he bore with him through life.

Coming to Salem at the end of my College course in 1832, I found Mr. Lord associated with Mr. Saltonstall—still in the practice of the law. Previously to this connection in business, Mr.

Lord had, for a time, been a student in the office of Mr. Saltonstall. No man could come into contact with such an instructor and coadjutor as Mr. Saltonstall, and not at least feel the influence of his high honor, sterling integrity and great moral worth. Mr. Lord could and did well appreciate this influence and profit by it. Upon my coming to the Bar in 1835, I found Mr. Lord — though then separated from Mr. Saltonstall — engaged in nearly all the leading cases that were tried before juries, or argued before the full Bench. Mr. Lord's manner of trying cases was a model for all legal practitioners. He heard his client's story with due respect to its importance, entered so far as fitting into his client's feelings, and gave all due attention to the assertion of his rights or the revelation of his wrongs. His memory retained facts with singular tenacity; and having once thoroughly understood his client's case he lost no part of its strength or point by failure to recall its merits as spread before him.

He examined and cross-examined witnesses with great skill and discrimination, and with admirable insight into the prejudices and biases which might warp their opinions or pervert their judgments; and these he could expose with such clearness and force as to show to the jury the limits of the reliance that might be placed upon their statements.

His addresses to juries were neat, exact and finished. They were complete. He used no slovenly language, and his addresses were entirely free from redundancy. He seemed to hit upon the right topics, and to press them with all the vigor necessary to the exigency of his case. It required a very skilful critic to point out a word too much or a word too little in his arguments. They were generally exactly what his client would have

him say, and what the client himself would have said if he had had the learning and ability.

He would readily and skilfully detect the weak points of his adversary's case, and, when he had the close, of his adversary's arguments. His arguments were all extremely well arranged. Each point followed the other in strictly logical order, which always rendered it comparatively easy for him to give the best position for force, and the best coloring for conviction, to the facts in evidence. Every part had its proper bearing. Juries never slept while he addressed them; and his method was so clear that they seldom failed to understand him.

I recollect once to have heard Mr. Choate say that Mr. Lord's manner of addressing a jury in many respects resembled that of the late Governor Lincoln. Mr. Lord seldom, if ever, lost a case which he ought to have gained; and he never, by dishonorable or unworthy means, gained a case which he ought to have lost.

He was courteous and respectful to his seniors, civil, obliging and indulgent to those younger than himself in the profession. He preserved his gentlemanly demeanor under circumstances of provocation which might have tempted others to retaliate and return like for like. But he was seldom thrown off his guard at such times.

Mr. Lord was very fortunate in the early start he got in his legal studies under Judge Howe and Professor Ashmun, two great masters of the law and the logic of it. They taught him to think, to search out principles, *petere fontes*. This beginning, or start, as I have called it, was of infinite service to him. He never lost the advantage it gave him. It was a constant stimulus and guide. It made his subsequent path clear, and greatly

aided him in making his views clear to others. This was the true source of his great knowledge of the law, and of his wonderful grasp of the legal points of his cases.

According to my impression he would not be considered the most extensive reader of books and cases; but he was a good judge of their value, and the cases he did read were selected by him as the most important; and these he studied thoroughly in order to eliminate the principle of them—never merely to multiply authorities. If he was satisfied that the principle he had eliminated from the cases he did read was the correct one, he believed that all other cases on the same subject, at least, ought to and probably would sustain it.

Many other remarks it would please me to make respecting the ability and success of our departed brother, with whom my own relations were always of a pleasant character; but his merits were well known, and will be better displayed by others than could be done by myself.

The Hon. THOMAS B. NEWHALL then spoke as follows:—

Mr. PRESIDENT.—I desire in justice to myself to say, that it will be impossible for me to attend the funeral service this afternoon, in consequence of an engagement, previously made, to meet several gentlemen from out of town, who will be greatly discommoded by my absence. It is due to a man so distinguished as Mr. Lord that all honor should be paid to his memory, and I regret my inability to participate in the melancholy duty.

I knew Mr. Lord for twenty years or more before his enforced retirement from the active pursuits of his profession, and al-

though engaged but a few times in the same cause, either with or against him, I saw him very often in court, and it is safe to say that he had but few superiors. He certainly was among the very first lawyers in the Commonwealth, and was for many years the acknowledged leader of the Bar in this county.

He had been a close student of the law, and was learned in its principles, and familiar with the authorities when he was called to the Bar, and his extensive and varied practice afterwards made him one of the most reliable counsellors and successful advocates in the State, and he preserved and retained to the last, in a remarkable degree, the confidence of clients, juries, and the court. He was ardent and impassioned in his address to juries, with a diction choice and easy, and a manner graceful and earnest, which gave him a remarkable power in impressing upon others his own convictions. He was at the same time dignified, courteous and respectful, disdaining resort to petty artifices and questionable expedients to carry his point, and maintaining at all times a reputation of the highest professional integrity and honor.

He and the late Judge Ward,—although opposed to each other in almost every case which was tried in our courts for several years prior to the elevation of the latter to the Bench, and each eminently faithful to their clients,—were on terms of close intimacy and friendship, and entertained for each other the highest respect. Judge Ward, who will be remembered as a learned and adroit lawyer and most affable judge, grew up in his profession, it may be said, side by side with Mr. Lord, and knew him as well, if not better, than any other man, and could judge of his merits as well. I have heard him upon more than one occasion, after he had become acquainted with the lawyers throughout the State in the discharge of his judicial duties, express the highest opinion

of the distinguished bearing and ability of his friend, and place him in the first rank among the lawyers of the Commonwealth.

We who remember him in active practice often saw him in contact with the ablest lawyers in the courts, and I am quite sure that none of us felt that he failed fully to sustain the conflict on his part. I remember on one occasion hearing the remark made by some gentlemen who were not members of the Bar, who had come in to hear Mr. Choate, in a case in which Mr. Lord was opposed to him, that Mr. Lord's argument was equal in every respect to the argument of his eloquent opponent.

Nor was it alone in the courts, or in the practice of his profession, that Mr. Lord's influence was felt. He interested himself in the business and enterprises of the community in which he lived, and largely contributed to their success by his wise and sagacious counsels.

He was a member of the Commission to revise the practice of the Commonwealth, the only public office, I believe, which he ever held. His appointment was highly complimentary, inasmuch as he did not belong to the political party then in power, and the selection was made with exclusive reference to his qualification. If his political opinions had been in accord with the prevailing opinions of the State we cannot doubt that he would have received high political, and the highest professional honors and rewards.

But he has now gone beyond the reach of human praise or censure. Let us pay due honors to his memory, and strive to the high professional standard which he aided so much in maintaining.

HON. WM. D. NORTHEND then spoke as follows :—

MR. PRESIDENT :— At the time of my admission to the Bar Mr. Lord stood, if not the leader in this county, certainly with no superior among the eminent lawyers who then adorned the profession. He always made careful preparation, and it was noticeable that in the trial of a case no material point ever escaped his attention. He tried causes more thoroughly than any of his associates, and in the many cases of importance in which he was engaged he always exhibited great power and vast resources. But the qualities of his mind, and his ability as a lawyer, have been fully and justly stated by the gentlemen who have preceded me. I rise specially to refer to those other and important qualities he possessed, which secured for him the respect of the community, and endeared him to his associates in his profession. Mr. Lord was, in the highest sense of the term, a gentleman—courteous in his bearing, honorable in his practice, and always considerate in his relation with others. His attention and uniform kindness, to the younger members of the profession, is well known to all present. It was my fortune, soon after my admission to the Bar, to be opposed to him in several cases before Sheriff's juries. In one of them I had closed my case, having neglected to put in evidence upon a material point. Perceiving it, he in a whisper, and without attracting the attention of the court, reminded me of my neglect, and allowed me to put in the necessary evidence without an objection. This was characteristic of the man. It was from such a practice that he won the love and esteem of his juniors.

It is fitting that when a man so eminent in his profession—one whose life at the Bar afforded such an example to his associ-

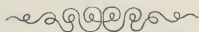
ates and to those who may come after him—has departed this life, that some suitable commemoration of his worth should be placed on record by those with whom he was associated.

I would therefore move

That the President, together with Mr. Hazen of Andover, Mr. Perkins of Salem, Mr. Abbott of Peabody, and Mr. Saunders of Lawrence, be a committee to prepare a memorial of Mr. Lord, to be presented in the Superior Court now in session. This motion was adopted.

It was also voted that the Bar assemble at the Clerk's office at two o'clock, to attend the funeral of Mr. Lord.

The meeting then adjourned for one week, to receive the report of the Committee on the Memorial.



PROCEEDINGS OF THE ADJOURNED MEETING OF THE BAR,

JUNE 28, 1869.



THE adjourned meeting of the Essex Bar Association was held in the Law Library Room at the Court House, in Salem, on Monday, June 28, at nine o'clock. The President in the Chair.

Mr. Abbott, from the Committee appointed at the last meeting, presented a memorial on the life and character of Mr. Lord, which was read to the meeting.

On motion of Mr. Newhall of Lynn, it was

Voted, That the same be accepted as a just tribute to the character of Mr. Lord, and that it be entered on the records of the Association.

On motion of Mr. Huntington it was

Voted, That an attested copy of the memorial be presented to the Superior Court, at its present session, by the President and Mr. Abbott, with a request that the same be entered on the records of the court. To this committee Mr. Huntington was joined by vote of the meeting.

The President announced that he had received several letters from older members of the Bar, expressing great respect for the memory of Mr. Lord, and the regrets of the writers that they could not attend the meetings of the Bar.

Among them are the following:—

ANDOVER, June 25, 1869.

WM. C. ENDICOTT, Esq.

DEAR SIR:—It was with some regret that I received, too late to enable me to take any part in their proceedings, notice that I was chosen one of the Committee of the Bar, to prepare a memorial of our lately deceased brother, Nathaniel J. Lord. When, however, I see of whom the Committee is composed, my regrets are confined to such as arise from a failure to share with such persons in the performance of a trust every way so honorable to those to whom it has been confided.

The memorial to be presented will be worthy, and I may be allowed the expression of the hope, that for its own merits, for the sake of its subject, and to vindicate the cotemporary appreciation of professional honor, as well as to preserve the memory of one of the best models and examples of the lawyer

which the Essex Bar has produced, it will be made as permanent, as in the hands of the acting committee it is certain to be adequate and decisive.

The reading of your note places him before me as I saw him through many years of professional life. I am sure it will be agreeable to you to join in such reflections as may place his image more deeply and distinctly in our hearts and memories.

All the recollections of our deceased associate are pleasant. No asperity mingles with the reminiscences of his professional career. Counsel and clients may recall with equal and unimpaired pleasure the amenity and dignity of his intercourse. I would fain renew the very impression which his presence never failed to produce. But I know not how to do it by any analysis, or by any enumeration of particulars, because it came mainly from the unity and harmony of all the elements so happily combined in him, of character, manner, and even of person. The order and neatness of his apparel, never neglected or disordered, always corresponded with the propriety and elegance of his bearing and address. And these again found their just proportion in the ready flow of his finished elocution, and this too sustained by good sense, sound learning, refined taste, and thorough preparation. The pleasure arising from the contemplation of his character is like that imparted by the beauties of statuary, whose effects would be impaired by an attempt to parcel out its charms. "The statue which delights the world" is not easily described. The admiration which it inspires arises from the completeness and harmony of the whole work. It was in such a totality that Mr. Lord stood before his professional associates; hardly surpassed by any in single accomplishments; rivalling the foremost in the aggregation of all that make up the lawyer and the advocate.

In him education had performed its exact office ; it had enlarged in equal degree the whole proportions of the intellectual man. Nor had it deceived or betrayed him, as is too often the case, as to the extent and variety of his powers. Hence there was complete congruity between his nature and his aims. And there were disclosed in him no deficiencies to be supplied or justified by the attributed redundancy and enlargement of other prominent traits. As the result of such a character, his attempted performances were always within the verge of his capacity and attainments, and he was uniformly found equal to the occasion. Nor were these casual or trivial. For a series of years they were such, as occurred to a leading advocate in a populous and wealthy county represented by a numerous and able Bar.

During a large part of his professional life he was almost constantly subjected to a very peculiar trial of his temper and culture. In this period he and his brother, the present Judge Lord, were the acknowledged leaders of the Bar of Essex county. In this character they were often the leading counsel on opposite sides in the same cause. In such cases he always had to reconcile a fraternal affection, which was never interrupted, and the exactions of an excited client. I think it is correct to say that he never swerved from the line of propriety, and that no client ever accused or suspected him of undue favor to a younger brother, or on the other hand ever supposed that the harmony between them had been permanently disturbed. Yet here must have been often presented a complication of duties and affections ; of obligations and inclinations, in which it must have been difficult to preserve the exact line of propriety and rectitude. How well it was observed and followed is sufficiently proved by the fact,—that the consanguinity was never given as a reason why either

brother should not be retained, nor did the practice of employing both at all diminish while both were at the Bar.

I am not familiar with his habits of study, but his performances render it certain that he exercised himself in that patient attention which could alone prepare him, or the vast majority, even of the men favored by nature, for so thorough an execution of professional duty as was uniformly evinced in his practice. His labors must have been severe, and they were just adequate to the best development of all his faculties, and to impress him with the exact measure of what, without losing the balance of his powers or his self possession, he might aim to accomplish. The combination of characteristics, by which he was distinguished, he always preserved. He is, therefore, to be remembered and contemplated as a whole, and in this simple unity he was great.

As a lawyer he may be held forth as a model, and his example may always and every way be recommended to the imitation of every youthful aspirant at the Bar.

Such is the image of Mr. Lord as it exists in my memory. I revive it with a melancholy pleasure, and impart it to you as a just tribute to his learning, genius, and virtues, and in the hope that it may in some way tend to make their remembrance profitable to his successors, and perhaps to our own.

I am very respectfully,

your obedient servant,

N. W. HAZEN.

HAVERHILL, June 26, 1869.

WM. C. ENDICOTT, Esq.

DEAR SIR:—I received notice this morning of the meeting of the Bar Association, held on the occasion of the death of Mr. Lord. I regret very much that previous engagements will prevent my being present at the adjournment.

When I was admitted to the Bar, in 1831, Mr. Lord had then been in practice three years. I at once formed his acquaintance, and ever maintained very pleasant and friendly relations with him. Saltonstall, Choate and Cushing, were then the leading advocates at the Bar. Mr. Lord commenced early to try cases, and attracted the attention, and commanded the confidence of the Bar and the county. He soon became very prominent, and subsequently led the Bar of Essex. Mr. Lord was a sound lawyer, an eloquent and finished advocate, and a gentleman always in manners and practice. He uniformly treated his associates with kindness and respect, and I do not remember ever to have heard a complaint from a member of the Bar, of unkind or unfair treatment. When obliged to give up his practice, on account of his illness, there was a general expression of sorrow and regret. Though withdrawn from the public eye for so many years he is well remembered, and since his death many gentlemen have spoken to me of him with much feeling; and they all bear one testimony that he was an honorable, faithful, and able man. Could I attend the meeting of the Bar I should say this and more; and should be glad to have you read this note in public token of my respect and regard for his memory.

I remain,

Very truly yours,

ALFRED KITTREDGE.

The meeting then adjourned.

PROCEEDINGS IN THE SUPERIOR COURT, AT
THE JUNE TERM, 1869, ON THE DEATH OF
NATHANIEL JAMES LORD.

PROCEEDINGS IN THE SUPERIOR COURT,

JULY 2, 1869.

IN the Superior Court, in session at Salem, Chief Justice Brigham presiding, on Friday, July 2, 1869, the trial of causes was suspended, at the request of the Committee of the Essex Bar Association, that the action of the Association on the death of Mr. Nathaniel J. Lord might be presented to the court. There was a full attendance of the Bar, and of the friends of Mr. Lord.

Hon. Alfred A. Abbott, in behalf of the committee, presented and read the following Memorial, as directed by the vote of the Association:—

MAY IT PLEASE YOUR HONOR:—Nathaniel J. Lord, Esquire, one of the oldest members of this Bar, and for many years its most distinguished ornament, departed this life on the eighteenth day of June last.

At a meeting of the Essex Bar Association, held on the 21st ultimo, to take appropriate action on this sad event, a Committee was appointed to prepare and report some suitable expression of the sentiments of the Bar, to be made matter of enduring record. That Committee, in attending to the duty assigned them, concluded, instead of reporting a series of resolutions, to submit a brief and simple sketch of their deceased brother, as a more fitting form of memorial,—and this humble and sincere tribute of appreciation and regard, having been, at an adjourned meeting of the Association, accepted and approved, is now, by its order, and

at the earliest proper opportunity, respectfully presented to the court.

Mr. Lord was born at Ipswich, a former shire-town of this county, on the 28th day of October, 1805. He was the oldest son of Nathaniel Lord, Esquire, for thirty-six years the Register of Probate for Essex county,—a public officer of singular capacity and fidelity, and a man whose sterling traits of character, intellectual and moral, won the fullest confidence of the community, and were a choice and dearly prized legacy to his children.

Mr. Lord was fitted for college at Phillip's Academy, Andover, entered Harvard College in 1821, and was graduated in course in 1825. He began his professional studies at the Northampton Law School, under the tuition of Judge Howe, now best known to lawyers by his Book of Practice, and of Prof. Ashmun, and completed his preparatory course in the office of the Hon. Leverett Saltonstall of Salem. He was admitted to practice as an Attorney in the Court of Common Pleas in September, 1828, as an Attorney in the Supreme Judicial Court at the November Term, in 1830, and afterwards as a counsellor, in 1832. Upon coming to the Bar Mr. Lord opened an office in Salem, but after a few months he formed a business connection with Mr. Saltonstall, with whom he continued as a partner until 1835. Although by this association he was for a time kept comparatively in the background, as in all cases he properly acted as Mr. Saltonstall's junior, yet it could not have been but of the highest advantage. A generation has grown up since Mr. Saltonstall led the Essex Bar. But many yet survive who recall, not without a thrill of admiring recollection, the manly form, the benignant face, the graceful manners, the persuasive accents, the forcible logic, the high culture, the moral power, the winning yet commanding quali-

ties of heart and head, which combined to make Leverett Saltonstall at once the trusted counsellor and the consummate advocate, as well as the endeared friend, the favorite citizen, and the accomplished statesman.

In 1835, upon the dissolution of his partnership with Mr. Saltonstall, Mr. Lord commenced business on his own account, and, at once, from comparative obscurity, he sprung into full practice and established reputation, and from this time on he stood in the very front rank of the profession, and soon, and so long as he continued in active duty, was the acknowledged leader of our Bar. He had, at the start, to cope not only with Mr. Choate and Mr. Saltonstall—the former of whom, always and everywhere *facile princeps*, had not yet removed to Boston, and the latter of whom still occasionally argued causes and swayed and led captive juries by his genial eloquence—but with Mr. Merrill and Mr. King, distinguished for their scholarship and abstruse learning; with the late Judge Ward, so acute, skilful, ingenious and versatile; and with Mr. Caleb Cushing, Mr. Robert Rantoul, Jr., Mr. Moseley, Mr. Huntington, Mr. Stickney, and others yet active at the Bar and on the Bench, whom propriety forbids us to name, but all of deserved eminence and great ability. But he stood his ground manfully, and fairly vindicated his claim to the first honors and highest emoluments of the profession, and, until he abandoned practice, he was retained as leading counsel, upon one side or the other, in every cause of considerable importance tried in our courts. Indeed, the repute of his learning and ability led to his being frequently called to aid in the conduct of cases before other and remote tribunals, but he almost invariably refused such engagements where the interests of his home clients were not at stake, preferring to spend his strength and win his laurels in his own native county.

Mr. Lord was endowed by nature with a vigorous intellect, quick perceptive faculties, large powers of observation, a remarkably retentive memory, great patience for labor, a ready wit, an even temper, and with all, a robust good sense which balanced all his powers and insured success to all his efforts. Thus naturally gifted he sharpened every native endowment by careful, systematic, and constant study and labor. He was thoroughly grounded in the principles of the law, and of its practice. He studied at a time when a man had to study to be a lawyer, when *the practice* of the law, as well as its principles, was a science which must be learned. Several large manuscript volumes of common-place books yet remaining in his library attest the system and severity of that early application and discipline which in after years bore such rich fruits.

To exact and comprehensive legal acquirements Mr. Lord brought the aid and ornament of an enlarged and generous culture. He was well versed in polite letters and science, had ever at command the resources and displayed the advantages of a careful training in the classics, and was familiar with, and never ceased to take delight in, the masterpieces of English literature.

Mr. Lord's manners and bearing, and mode of conducting business at the Bar, were of the best school, and unexceptionable. Uniformly respectful to the court, and courteous in his demeanor, not only to the Bench, but to his brethren of every degree; graceful and dignified in person and address; clear, concise and impressive in argument and appeal; in his treatment of witnesses civil and urbane, never overbearing or harsh, and yet with consummate art exposing prejudice, unmasking falsehood, and establishing truth, with a keen sense of professional honor and integrity, and ever alive to the obligations of the law and its ministers, as well as to the interests of his clients, he may well be held up

as a model for the guidance and imitation of those who succeed him.

Should it be asked what characteristics of Mr. Lord, as a practising lawyer, most attracted the attention of his contemporaries, the question may be answered by particularizing two respects, one intellectual and the other moral, in which he was marked. As to the first, it may be said, that all his professional efforts were singularly neat, finished, elegant and complete. He was in the habit of making copious minutes of evidence, made very full briefs, went through the most careful preparation, and though polished and ornate, was yet concise, compact, and comparatively brief,—but whether arguing a grave question before the full Bench of the Supreme Court, or addressing a Jury in a case of the largest moment, or trying a trivial cause in the office of a country Justice, he always evinced the same marks of anxious care, of study, of elaboration, was always *teres atque rotundus*,—and when his work was ended, it was felt that there had been congruity, proportion, completion, and that nothing was left to be said or done. The second prominent feature was one already glanced at, his urbane deportment, his high sense of professional propriety, his liberality in practice, and above all his kind consideration for, and generous treatment of, his juniors and inferiors at the Bar. His eminent position and acknowledged superiority gave added grace to this amiable trait, which now peculiarly endears him in many memories.

Like most lawyers who have had the greatest success in active forensic practice, Mr. Lord has left behind him no work to illustrate his talents and learning, nothing to perpetuate his name and fame. He was never in what is called public life, and never held public office. He had decided views upon political questions, and

to the last adhered tenaciously to the principles which he espoused in early manhood,—but he did not belong to the popular and prevailing side, and so was debarred the opportunity of adorning any post of civic honor and trust,—and it may well be doubted if he would willingly have assumed any such position had it been in his way. His whole heart was in his profession, here was his pride and ambition, here his love and joy, here his aspirations and triumphs. There is, perhaps, one enduring work with which his name will be associated, but whether he would have regarded it as an appropriate memorial may justly be questioned. With Judge Curtis and Chief Justice Chapman, he was of the Commission appointed by the Executive of the Commonwealth to prepare the present Practice Art. Although in the main the result of their labors has met the approval of the profession, and now has the sanction of usage and time, yet, as has been well known to his friends, under the construction given to it by the courts, this act has failed fairly to realize Mr. Lord's intentions, as well as those of at least one of his associates. Conservative, while progressive, it was his purpose that the act should prevent double pleading, as much as did the old system of special pleading,—that there was to be “yes” or “no” to every allegation, and not a denial of an allegation, and, in case of that allegation being proved, an alternative answer. So that this only surviving professional work, by which he will hereafter be known, can hardly be regarded as a faithful embodiment of his ideas of a true system of legal practice, or as a truthful monument to his name. Hereafter, like so many of our ablest and best who have gone before him, he must survive in the hearts of his friends who loved him so fondly and whom he loved so well, in the cherished traditions of the Bar, in the

respectful memory of the community in which he lived and labored, and in the record of a useful, honorable, and upright life.

In the autumn of 1853, in the midst of his work, and while apparently in the full vigor of health, Mr. Lord was suddenly prostrated by disease. Under medical advice he went abroad, in the hope that change of air and scene, and rest from labor, would restore his drooping energies. He returned, much improved, but still unfit for active duty. The bow could not again be bent. Wisely, though reluctantly, he withdrew from the field, and sought in retirement the repose he had so dearly earned. From that time to the day of his death, although suffering from a complication of ills which would have borne down one of less fortitude and patience, he retained through all full possession of his mental faculties, preserved an even temper and a cheerful spirit, enjoyed life and the companionship of kindred and friends, kept informed and was an attentive observer of current events, and, especially in all that related to the courts and his old associates and successors at the Bar, evinced the liveliest interest and the deepest concern. And so, as the last hours drew on, calm and resigned, he awaited the end in full religious faith and hope, and in his death, as in his life, left to his brethren a bright example and a precious memory.

And now, may it please your Honor, in behalf of the Committee, and in behalf of the Bar Association, whose organ they are, I respectfully move your Honor that this humble tribute of respect and affection to our deceased brother be placed upon the records of the court.

The motion of Mr. Abbott was seconded by Wm. C. Endicott, Esq., as follows:—

MAY IT PLEASE YOUR HONOR:—I have already in this place, on another occasion, endeavored to express my appreciation of the character, abilities and acquirements of Mr. Lord, and to pay a heartfelt tribute of respect to his memory. I do not desire to say more now. Certainly I can add nothing to the touching and truthful memorial prepared by Mr. Abbott and here presented to the court. It gives us a recital of his life and labors, an analysis of his intellectual powers and various talents, a portrait of the man himself, which we can all dwell upon with pleasure, and which will inform those who come after us what manner of man he was. It meets with the full approval of the Bar; and in behalf of the Bar I second the motion made by Mr. Abbott.

HON. ASAHEL HUNTINGTON then spoke as follows:—

MAY IT PLEASE THE COURT:—I desire to express my full and most cordial concurrence in these proceedings. The brief and truly appreciative sketch of the life, the personal and professional character and standing of our brother Lord, which our Association here presents to the court, and desires to have entered on its records in perpetual remembrance, as our willing tribute, and deliberate judgment, will not be held or regarded as exaggerated or overdrawn, in any quarter where he was known and justly estimated. He is presented here as he was known to the courts and the Bar, to his near and intimate friends, and to the public at large. All his active business life was

mainly in the courts, and in the faithful and laborious discharge of the duties of his profession. His aims and ambitions were strictly professional, and he relied upon himself for success and advancement. The places and persons which knew him best and most, outside of the circle of kindred and personal friends, were courts and clients, juries and witnesses, and his associates at the Bar.

I have known Mr. Lord from his first entrance on professional life, and through all his subsequent and distinguished career. I recollect well the impression he made at the very commencement. He showed at first, and in the start, those traits, qualities, and signs, which clearly indicate to all observers what his course was to be, and what rank he would be likely to occupy in his profession. I remember an early cause in which he was retained, and which came on for trial in the old Court of Common Pleas at Ipswich. It must have been within a year or two after his admission to the Bar. It was a cause of some public interest, and the court-room was crowded. He was there in his native town, surrounded by his friends and kindred. He was junior counsel and had the opening, but whether for plaintiff or defendant, it has now escaped me; but this I know and remember, that he showed a thorough mastery of his case, as he proceeded from one point to another, in clear and logical order, and in that terse and strong style of expression, for which he was afterwards so much distinguished; and showing also, what has often been remarked, that sometimes the right and skilful opening of a cause may be as important as the close and summing up, and furnish quite as much scope for discrimination, judgment and real ability. At any rate, such was the force, strength, and completeness of this particular per-

formance, that I well remember a brother lawyer, a few years the senior of Mr. Lord, and even then the acknowledged head of the Bar, in the general estimate of the profession and of the public, and a native also of the old town of Ipswich, who had been a careful listener, broke out at the conclusion with some hearty expression of approval, in his own peculiar and inimitable manner. I refer to this particular case only to show what sort of impression our friend and brother made, when he first entered on the contests of the profession. His whole life afterwards was full of just such exhibitions of intellectual power, only of wider scope and breadth, as he matured in strength and experience, in his full manhood. And this is known and read of all men who have been conversant with our courts.

Mr. Lord has had long experience of sickness and disease. How he bore himself in this great and severe trial—how uncomplaining and unrepining always; how cheerful and interested in passing events, or in whatever concerned the welfare of his friends; in what a cordial manner he always received his friends, and how warmly he sought to keep up the communion of his friendships—who that has visited him in that chamber of sickness, during those many and long years, has not seen and admired? It happened to me to visit him, not many days before his death, and to report to him, as the almoner of his bounty, how gratefully it had been received, and how it touched the heart and feelings of an old and esteemed friend. He referred, in the kindest manner, to the early scenes which gave rise to this friendship, and to his happiness in being able thus to manifest his sympathy and regard.

Mr. Lord's death, though he had evidently been declining for some weeks, was at the last sudden. He had invited, several

weeks ago, a venerable and beloved relative to dine with him to-day; and this day that relative enters on his ninetieth year (the special occasion of the invitation), and is here present, to witness these proceedings in honor of the memory of his nephew. In this coincidence, alike striking and affecting, and in these events, we see how the Divine Will shapes our ends and determines our bounds.

In addition to the motion already made, and as an amendment thereto, I move that an attested copy of these proceedings, in token of our sympathy, be sent to the family of Mr. Lord, under the order of the court.

Chief Justice BRIGHAM then addressed the Bar as follows:—

GENTLEMEN OF THE BAR:—The memorial tribute of the Essex Bar, in honor of their deceased brother, Nathaniel J. Lord, will be placed among the records of this court, as a part of the history of the administration of justice in this county, and an attested copy of these proceedings will be sent to his family in accordance with the motion just made.

Mr. Lord, although in the full ripeness of his faculties as a lawyer, ten years ago—when this court was organized—was so disabled, by extreme physical infirmity, that he could not appear before its justices, and thus they have lost the opportunity of recognizing, in person, the various professional accomplishments which he was reputed to possess in an eminent degree. Throughout the Commonwealth he was known as the leading counsel of this county, and as such, worthily qualified, by learning, tact and skill in the trial of causes, eloquence, and “fidelity as well to the courts as to his clients,” to succeed those lawyers, of a

preceding generation, who had left the leadership of the Essex, to become the leaders of the Massachusetts Bar.

The professional lives of lawyers, although constantly influential in the events which constitute the most important material of history, rarely receive from analysts an adequate acknowledgment of their significance. A lawyer, in conducting matters of litigation, is often the first to suggest questions of legal principle, so original in their nature as to fairly deserve the title of discoveries; he may debate such questions with so abundant learning, and so large ability, that through him principally, if not solely, may be maintained and established great principles of law, which will fundamentally affect the most valued municipal, political, and religious institutions; and the only record of his impressive labor will be found in a complimentary phrase in a newspaper, a line in the books of "Reports of Cases," or the law pleadings to which he has affixed his name. After his professional career is finished, perhaps the lawyers of his own, and of the next following generation, will recite one to another anecdotes of his professional and personal eccentricities, the pleasantries by which he enlivened the rigors, or the audacity by which he encountered the exigencies of a lawsuit; but the character thus preserved and transmitted by tradition will usually be more scandalous than just as to the man and his vocation, and demean the nobler attributes of both. Lawyers who, during the years ordinarily allotted to man for effective work, have manfully accepted the vicissitudes, and uprightly won the distinctions of their profession; sparing themselves none of its toils, and contenting themselves with its honors, although conscious that they will be undeservedly ephemeral; who in every function of that profession have been altogether faithful and excellent, are left to rely

upon their brethren, who have been familiar with their lives and survived them, to declare and perpetuate their testimony of the scope, influence, worth and elevation of those lives.

Considerations such as these make it a grateful service for a Judge to join his brethren of the Bar in a fraternal effort to save to their profession and to the State fitting memorials of a lawyer, who, during twenty-five years' exercise of his office, as an attorney and counsellor in all the courts, has justified the felicitous and discriminating sketch of his professional career, which introduced these proceedings.

The court then adjourned.

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